

### REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3, 5-10, 12-17, 19-21 and 27-47 are pending in the present Application. Claims 4, 11, 18 and 22-26 have been canceled without prejudice or disclaimer. Claim 1 has been amended to incorporate the subject matter of cancelled Claim 4.<sup>1</sup> Claims 8, 15, 39 and 43 have also been amended to include the subject matter of cancelled Claim 4. Additional claim amendments address cosmetic matters of form. New Claims 44-46 have been added and correspond to canceled Claims 23, 24 and 26. New Claim 47 recites a ROM disc expressing the data structure of Claim 8. No new matter has been added.

By way of summary, the Official Action presents the following issues: an objection has been made to the title; Claims 22-26 and 38 are rejected under 35 U.S.C. § 101 as being non-statutory; Claim 40 is objected to due to an informality; Claims 2, 7, 14, 21 and 42 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 43 is rejected under 35 U.S.C. § 103 as being unpatentable over Kawara (U.S. Patent No. 5,838,872); Claim 40 is rejected under 35 U.S.C. § 103 as being unpatentable over Kawara in view of Tanaka et al. (U.S. Publication No. 2004/0047610, hereinafter Tanaka); Claims 1-38 are rejected under 35 U.S.C. 103 as being unpatentable over Tanaka in view of Kawara.

### OBJECTION TO THE TITLE

In regard to the objection to the title, a new title is submitted herewith.

Accordingly, Applicant respectfully requests that the rejection of the title be withdrawn.

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<sup>1</sup> Claims 11 and 18 recite substantially similar subject matter to Claim 4.

REJECTION UNDER 35 U.S.C. § 101

Claims 22-26 and 38 stand rejected under 35 U.S.C. § 101 citing that Claims 22-26 and 38 are directed to non-functional descriptive material recorded on the recording medium.

Claims 22-26 have been canceled. Claim 38 has been amended to recite a product-by-process form. Accordingly, Claim 38 is statutory. As canceled Claims 23-26 have been re-presented as new Claims 44-47, which are dependent upon Claim 38, these claims are likewise statutory.

Accordingly, Applicant respectfully requests that the objection of Claim 38 under 35 U.S.C. § 101 be withdrawn.

CLAIM OBJECTION

Claim 40 stands objected to due to an informality. Applicant has herein corrected the cited informality in the manner suggested by the Official Action and respectfully requests the rejection to Claim 40 under 35 U.S.C. § 112 be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

Claims 2, 7, 14, 21 and 42 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims to address the informalities identified in paragraph 6 of the Official Action.

Accordingly, Applicant respectfully requests that the rejection of Claims 2, 7, 14, 21 and 42 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claim 43 stands rejected under 35 U.S.C. § 103 as being unpatentable over Kawara (U.S. Patent No. 5,838,872).<sup>2</sup> The Official Action cites Kawara as disclosing all the Applicant's claim limitations, and states it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the microprocessor and associated programs as taught in one embodiment of Kawara into other embodiment of Kawara in order to simplify the process of controlling the DVD player of Kawara. Applicant respectfully traverses the rejection.

Claim 43 recites, *inter alia*, a program recording medium for recording a transport stream reproduction program, readable by computer, for reproducing transport streams recorded in aligned units recording on a data recording medium, including:

read-out means for starting readout of said transport packet from address on said data recording medium calculated by said calculation means, the data length of said aligned units being equivalent to a multiple of the sector length of said data recording medium.

Kawara describes a device for intra-coding video data. The intra-coded video data is formatted in accordance with the MPEG-2 standard, and includes groups of pictures (GOP), which are written to physical sectors on a recording medium.<sup>3</sup> The specific arrangement of the intra-coded video includes auxiliary data corresponding to groups of intra-coded data. The auxiliary data is located anterior to the intra-coded data.<sup>4</sup>

In this way, when the video is to be accessed from the underlying recording medium during a high-speed reproduction operation, the top sector address among a plurality of sector addresses, at which the auxiliary data of a succeeding GOP is recorded, is recorded on the

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<sup>2</sup> Paragraph 7 of the Official Action mentions 35 U.S.C. § 102. However, as no claim rejection is detailed, there; therefore, Applicant assumes the § 102 language to be a typographical error.

<sup>3</sup> Kawara at column 5, lines 30-40.

<sup>4</sup> Kawara at column 8, lines 19-27.

recording medium as a jump address among the auxiliary data of a preceding GOP. As a result, access linearity in the reproduction operation is exhibited.<sup>5</sup> Conversely, the Applicant's claimed invention, as recited in Claim 43, provides a structure in which a transport packet and transport header together form a source packet. Multiple source packets are grouped together to form aligned units, which are recorded on a recording medium as a multiple of a physical sector length. As can be appreciated, the present invention provides for aligned units to record the transport package on the recording medium. This arrangement is advantageous in that it increases recording efficiency as compared to structures, such as the Kawara data structure.

For example, Kawara manages the physical sector by GOP. As multiple GOPs form a single AV stream, stuffing bytes are required, which impacts recording efficiency. In the present invention, only the last aligned unit utilizes stuffing bytes. Thus, Kawara does not disclose or suggest providing aligned units which are a multiple of a physical sector length, as recited in Applicant's Claim 43. Accordingly, Applicant respectfully requests that the rejection of Claim 43 under 35 U.S.C. § 103 be withdrawn.

Claim 40 stands rejected under 35 U.S.C. § 103 as being unpatentable over Kawara in view of Tanaka et al. (U.S. Publication No. 2004/0047610, hereinafter Tanaka). The Official Action cites Kawara as disclosing all the Applicant's claim limitations, and states that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the PTS disclosed in Tanaka into Kawara's system to arrive at the Applicant's claim. Applicant respectfully traverses the rejection.

As discussed above, Kawara does not disclose or suggest the element of the pending claims for which it is asserted. Thus, as Tanaka does not remedy the deficiency discussed

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<sup>5</sup> Kawara at column 21, lines 50-59.

above, neither Kawara alone, or in combination with Tanaka, can be properly asserted as disclosing or suggesting Applicant's Claim 40, which includes the above distinguished limitations. Therefore, the Official Action does not provide a *prima facie* case of obviousness with regard to Claim 40.

Accordingly, Applicant respectfully requests that the rejection of Claim 40 under 35 U.S.C. § 103 be withdrawn.

Claims 1-38 are rejected under 35 U.S.C. 103 as being unpatentable over Tanaka in view of Kawara. The Official Action states that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of aligning of the GOPs of Kawara into Tanaka's system in order to facilitate the capability of high-speed reproducing of the DVD player. Applicant respectfully traverses the rejection.

As discussed above, Kawara does not disclose or suggest the element of the pending claims for which it is asserted. Thus, as Tanaka does not remedy the deficiency discussed above, neither Kawara alone, or in combination with Tanaka, can be properly asserted as disclosing or suggesting Applicant's Claims 1-38, which includes the above distinguished limitations. Therefore, the Official Action does not provide a *prima facie* case of obviousness with regard to Claims 1-38.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-38 under 35 U.S.C. § 103 be withdrawn.

#### NEW CLAIMS

New Claims 44-47 recite more detailed aspects of the Applicant's data structure. As such, these claims are allowable for the additional aspects recited therein in addition to the above identified reasoning with respect to base Claim 43.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-3, 5-10, 12-17, 19-21 and 27-47, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

BDL:ycs